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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,616	03/08/2002	Takahiro Naka	Q68810	8662
7590	12/27/2004		EXAMINER	
SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, NW Washington, DC 20037-3213				TRAN, LY T
		ART UNIT	PAPER NUMBER	2853

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/092,616	NAKA ET AL.	
	Examiner	Art Unit	2853
	Ly T TRAN		<i>pr</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 October 2004.
- 2a) This action is **FINAL**.                                   2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3,5-7,21 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3,5-7,21 and 26-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.                                   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All   b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3, 5-7, 21 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanabusa et al (USPN 6,227,642) in view of Narushima et al (USPN 5,823,690).

With respect to claims 1, 21 and 28, Hanabusa et al. discloses a coloring agent amount recording apparatus comprising:

- An information obtaining portion obtaining information on an amount of the printing coloring agent that is consumed, wherein the amount was not used in actual printing or wherein the amount was used when maintenance of a printing mechanism is carried out (Column 7: line 35-37)
- An information writing portion writing onto a recording medium the information on the amount obtained by the information obtaining portion (Column 7: line 37-40).

With respect to claim 3, Hanabusa et al. discloses the printing coloring agent is ink (column 5: line 16-22).

With respect to claim 5, Hanabusa et al. discloses the amount not used in actual printing includes an amount of the printing coloring agent used when maintenance of a printing mechanism is carried out (Column 7: line 51-59).

With respect to claims 6, Hanabusa et al discloses that wherein the an information obtaining portion obtaining information on an amount not used in actual printing for each of the colors of the printing agent and information writing portion writes onto the recording medium the information of each of the colors obtained by the information obtaining portion (Column 14: line 19-67, Column 15; line 1-43).

With respect to claim 7, Hanabusa et al. discloses the apparatus being a part of a printing apparatus carrying out printing with the printing color agent (Column 5: line 13-58).

With respect to claims 26 and 27, Hanabusa et al. discloses a printer comprising at least one coloring agent amount recording apparatus (Column 5: line 15-21).

Hanabusa et al. disclose the claimed invention except that the recording medium is attached to the printer instead of the cartridge. Narushima et al shows that the memory/recording medium is attached to the printer or to the cartridge is an equivalent structure known in the art (Column 15: line 65-67). Therefore, because these the memory attached to the printer or the cartridge were art recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute to attach the memory to the cartridge for attach to the printer for the same purpose such as to retain information.

***Response to Arguments***

2. Applicant's arguments filed 10/7/04 have been fully considered but they are not persuasive.

Applicant's argument that it is not obvious to combine Hanabusa and Narushima because Narushima's EE-Prom does not store data related to ink quality. The argument is not deemed to be persuasive because the Examiner is relying on the primary reference of Hanabusa to disclose that EE-Prom stores data related to ink quality. The secondary reference of Narushima teaches memory/recording medium is attached to the printer or to the cartridge is an equivalent structure known in the art (Column 15: line 65-67). The Examiner only relies on Narushima to have the EE-Prom attached to the cartridge not what information is stored in the EE-Prom. Therefore it would have been obvious to substitute the EE-Prom that attach to the cartridge for attach to the printer for the same purpose such as to retain information.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T TRAN whose telephone number is 571-272-2155. The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LT

December 22, 2004



Stephen D. Meier  
Primary Examiner